165-107

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1896.

No. 412.

J. M. SCOTT, PLAINTIFF IN ERROR,

vs.

JAMES DONALD.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA.

FILED JANUARY 17, 1896.

(16,149.)

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., SEPTEMBER 12, 1896.

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., SEPTEMBER 12, 1896.

1 *Caption.*

THE UNITED STATES OF AMERICA,
District of South Carolina.

In the Circuit Court, Fourth Circuit. At Law.

At a circuit court of the United States for the fourth circuit, in and for the district aforesaid, on the first Monday in August, 1895, before the Honorable Charles H. Simonton, circuit judge of the United States for the fourth judicial circuit, holding said circuit court according to the form of the act of Congress in such cases made and provided, the following proceedings were had:

JAMES DONALD, Plaintiff,
versus
J. M. SCOTT, Defendant.

Be it remembered that heretofore, to wit, on the 11th day of March, A. D. 1895, the said James Donald, by his attorneys, Messrs. Bryan & Bryan, came into court and filed the following complaint; which complaint is in the words and tenor following:

2 *Complaint.*

UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant.

The plaintiff above named, complaining of the defendant above named, alleges:

I. That the plaintiff was at the times hereinafter mentioned and now is a citizen of the State of South Carolina and a citizen of the United States, residing at Charleston, in the State of South Carolina.

II. That on the 5th day of March, 1895, the plaintiffs, being owner of certain intoxicating liquors, to wit, one-half case of Pickwic- Club whisky, containing one-half dozen quart bottles, in the city of Baltimore, in the State of Maryland, of the value of six dollars, shipped the same from the city of Baltimore, in the State of Maryland, to the city of Charleston, South Carolina, by way of the Baltimore Steam Packet Company and the Atlantic Coast line, to the city of Charleston, the residence of the plaintiff, the said package being marked "James Donald, Charleston, S. C., one case of whiskey," which said package was duly received by the said Baltimore Steam Packet Co., in the city of Baltimore, in the State of Maryland, and in pursuance of such contract of shipment was transported to Charles-

ton, South Carolina, the last connecting carrier being the North Eastern Railroad Co., and while said package was in the possession of the North Eastern Railroad Co., at Charleston, S. C., as common carrier, to wit, on the 8th day of March, 1895, the said defendant unlawfully, wrongfully, and forcibly seized the said package, took and carried away the same.

III. That the said liquor as aforesaid contained in the said package was not produced within the State of South Carolina, and was imported into the State of South Carolina by the plaintiff for
3 his own use and *and* consumption and was not intended for sale, barter, trade, or exchange by the plaintiff within the State of South Carolina.

IV. The plaintiff further alleges that the seizing and carrying away forcibly of the said package of liquor, as aforesaid, was done without warrant or authority of law, but, on the contrary, under pretense of legal authority, well known by the said defendant to be utterly pretensive, null, and void, to wit, under the pretense of authority of an act of the General Assembly of the State of South Carolina generally known as the "dispensary law," entitled "An act to further declare the law in reference to and further regulate the use, sale, consumption, transportation, and disposition of alcoholic liquids or liquors within the State of South Carolina, and to police the same," approved January 2, 1895, to which reference in full is prayed; which said act, in its general scope, tenor, and effect and in so far as it attempts to abridge the right of the plaintiff (and of all others in like condition in the State of South Carolina) to import into the State of South Carolina such liquors, as aforesaid, of the plaintiff for his own use and to use and *and* consume in the State of South Carolina the same so imported, is not an act enacted in the lawful exercise of the police power of the State of South Carolina, and is a restriction and regulation of commerce between the States and foreign nations and discriminates in favor of the products of the State of South Carolina against the products of other States and countries, and is in conflict with article one, section- eight and nine, of the Constitution of the United States and the laws of Congress made thereunder, and is unconstitutional, null, and void,

V. That by and under article one, sections eight and nine, of the Constitution of the United States and the laws of Congress in pursuance thereof, regulating commerce between the States and foreign nations, the plaintiff, as citizen of the United States, residing at Charleston, in the State of South Carolina, had at the times
4 hereinbefore mentioned and is now granted the right of importing his said property, the said package of liquor as aforesaid, for his own use and consumption and to use the same, so imported from the city of Baltimore, in the State of Maryland, to the city of Charleston, in the State of South Carolina (as well as if imported from any and all other cities and places in other States and foreign countries to the city of Charleston), the residence of the plaintiff, without interference or hindrance by any persons whomsoever claiming to act under the pretense of authority of the said null and void acts of the General Assembly of the State of South Carolina.

VI. That previous to such seizure by defendant, as aforesaid, of such liquors contained in such package, to wit, on the — day of January and the — day of February, 1895, the plaintiff repeatedly gave due notice to the defendant of his intention, in the exercise of his legal rights guaranteed by the Constitution of the United States, to import into the State of South Carolina from other States and foreign countries, as he may need the same, ales, wines, and other liquors for his own use, and notified the said defendant and all concerned that any seizure of the said goods under any pretense of authority would be a great and grievous trespass and in disregard of his known constitutional rights, for which they and all concerned would be held responsible by all legal remedies for his protection.

VII. That notwithstanding such notice and notwithstanding the known rights of this plaintiff secured to him by the Constitution and laws of the United States, the said defendant, claiming to act as constable of the State of South Carolina, forcibly seized and carried away said package of liquor as aforesaid; and the same unlawful acts he did knowingly, wrongfully, wilfully, and maliciously and with intent to oppress and humiliate and intimidate this plaintiff and make him afraid to rely upon the Constitution and laws of the United States and the judicial power thereof for his protection in those rights, privileges, and immunities secured to the plaintiff by the Constitution and laws of the United States.

VIII. The plaintiff further alleges that the said defendant by the said malicious trespass as aforesaid intended to make an example of the plaintiff, and thereby deter him and others from exercising his and their rights and privileges secured by the Constitution and laws of the United States, and to deter him and others from relying upon the Constitution of the United States and the judicial power thereof for the protection of those rights guaranteed by the Constitution, and that in contempt of and in defiance of the said Constitution and laws of the United States and of the said judicial power thereunder the defendant seized, as aforesaid, the said package of liquor, by reason thereof plaintiff's said rights were grossly violated and abused and his standing was greatly injured and his feelings greatly wounded and mortified.

IX. That defendant well knew when he made said seizure and committed said trespass as aforesaid that the said seizure was unlawful and forbidden by the Constitution and laws of the United States, but the said defendant did so trusting and believing that he would be shielded and protected from all harm by his official superiors in the State of South Carolina, and that he made such seizure and committed such trespass wilfully and maliciously, with the purpose and intent to trample on the plaintiff's rights under the law and to do him all the injury in his power.

X. That the value of the said package of liquor is the sum of four $\frac{50}{100}$ dollars, and by reason of all of which wrongs and injuries aforesaid the plaintiff has been injured and damaged six thousand dollars.

Wherefore the plaintiff demands judgment against the defendant for the sum of six thousand dollars.

BRYAN & BRYAN,
Plaintiff's Attorneys.

Charleston, S. C.

6 *Summons.*

UNITED STATES OF AMERICA,
District of South Carolina, Fourth Circuit.

In the Circuit Court.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant.
} Summons for Relief. Complaint Served.

To J. M. Scott, defendant in this action:

You are hereby summoned and required to answer the complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer on the subscriber- at their office, No. 11 Broad street, Charleston, S. C., on or before the rule day, occurring twenty days next after the service of this summons on you, exclusive of the day of service.

If you fail to answer this complaint within the time aforesaid, the plaintiff will apply to the court for the relief demanded in the complaint.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, at Charleston, S. C., the 11th day of March, anno Domini one thousand eight hundred and ninety-five, and in the 119th year of the sovereignty and Independence of the United States of America.

BRYAN & BRYAN,
Plaintiff's Attorneys.

J. E. HAGOOD,
[SEAL.] *C. C. C. U. S., Dist. S. C.*

7 H. J. Hickson, deputy U. S. marshal, being duly sworn, says that he served the summons and complaint in this action on the defendant by delivering to him personally and leaving with him copies of the same, at his boarding-house, in the city of Charleston, S. C., on the 12th day of March, A. D. 1895, and that he knows the person so served to be the one mentioned and described in the summons, and J. M. Scott, the defendant therein, and deponent is not a party to this action.

H. J. HICKSON,
Deputy U. S. Marshall.

Sworn to before me this 12 day of March, 1895.

J. WESLEY SMITH,
U. S. Com'r.

Filed 11th March, 1895.

8 *Demurrer.*

THE UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant. } Complaint.

The defendant above named demurs to the complaint herein upon the following grounds, to wit:

1. That, as it appears upon the face of the complaint, this court has no jurisdiction of the matters and things forming the subject of this action.

2. That, as it appears upon the face thereof, the complaint does not state facts sufficient to constitute a cause of action cognizable in this court.

WILLIAM A. BARBER,
Attorney General, for Defendants.

I do hereby certify that, in my opinion, this demurrer is well founded in point of law.

WM. A. BARBER.

STATE OF SOUTH CAROLINA,
County of Charleston.

Personally comes before me J. M. Scott, who upon oath says that he is the defendant, and that this demurrer is not interposed for delay.

J. M. SCOTT.

Sworn to before me this 23rd day of March, 1895.

W. GIBBES WHALEY,
Not. Pub., S. C.

Filed 25 March, 1895.

9 Service of demurrer (and copy received) accepted this 25th day of March, 1895, at Charleston, S. C.

BRYAN & BRYAN,
Pl'ff's Att'y.

10 *Order Overruling Demurrer.*

UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit. At Law.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant.
Complaint for Damages.
Filed 11 March, 1895.

This cause came to be heard, on demurrer to the complaint, on the 6th day of May, 1895; and upon hearing Hon. W. A. Barber, attorney general, and C. P. Townsend, ass't attorney general, of South Carolina, in support of the demurrer and Mr. J. P. K. Bryan against the same, it is now—

Ordered and adjudged that the demurrer be overruled and the defendant have leave to answer the complaint herein, provided the answer is served on plaintiff's attorney on or before May 20, 1895, and that the cause be placed forthwith upon the law *and* docket of the court for trial by jury.

CHARLES H. SIMONTON,
Circuit Judge.

8th May, 1895.

Filed 9th May, 1895.

11 *Answer of Defendant.*

UNITED STATES OF AMERICA,
District of South Carolina, Fourth Circuit.

In the Circuit Court. In Equity.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant.
Complaint for Damages, 11th March, 1895. Answer.

The defendant, J. M. Scott, by William A. Barber, attorney general, answering the complaint herein, says:

1. That he denies all the allegations of the complaint except as are hereinafter specifically admitted.

2. That he has no knowledge or information sufficient to form a belief as to the truth of the allegations of the 1st paragraph.

III. That he admits seizing, as State constable, in the city of Charleston, one package of Pickwick Club whiskey at the depot of the North Eastern Railroad Company, but does not remember the time or parties to whom the same was consigned, but he denies seizing at any time, as such State constable, any wines or liquors unlawfully, wrongfully, or forcibly, but avers that all the seizures he made were lawfully done under the law commonly known as the dispensary

law of South Carolina; that he has no knowledge or information sufficient to form a belief as to the other allegations of the paragraph.

IV. That he has no knowledge or information sufficient to form a belief as to the truth of the allegations of the 3rd paragraph, and therefore denies the same.

V. That he denies that he seized any package of liquors or wines without warrant or authority of law, and avers that he did so under lawful authority, and further submits that the dispensary law of South Carolina, in its general tenor, scope, and effect, is not a
12 regulation and restriction of commerce and in violation of the Constitution and laws of the United States and void.

VI. That as to the allegations of the 5th paragraph he submits that the plaintiff did not have the right to import liquors into this State for use and consumption, but that he was prohibited from doing so by the dispensary act, and that it was enacted in the lawful exercise of the police power of the State.

VII. That as to the allegations of the sixth paragraph he does not now remember whether any notice was given to him or not, but does recollect at some time notice of some character was given to him, but by whom and its exact character he does not now remember.

VIII. That he denies the allegations of the 7th and 8th paragraph- of the complaint.

IX. He denies that the plaintiff has been injured or damaged six thousand dollars ($6,000.00), as alleged in the 10th paragraph.

Wherefore the *plaintiff* prays that the complaint be dismissed.

WM. A. BARBER,
Attorney General.

UNITED STATES OF AMERICA, }
District of South Carolina. }

Personally appeared before me J. M. Scott, who, after being duly sworn, says that the foregoing answer is true of his own knowledge.

J. M. SCOTT.

Sworn to and subscribed before me this 20th day of May, A. D. 1895.

GEO. F. VON KOLNITZ, JR.,
Notary Public.

Filed May 20th, 1895.

13 *Stipulation Waiving Jury Trial.*

UNITED STATES OF AMERICA,
District of South Carolina.

In the Circuit Court, Fourth Circuit. At Law.

JAMES DONALD, Plaintiff,
vs.
J. M. SCOTT, Defendant. } Complaint for Damages. Filed 11 March, 1895.

It is hereby stipulated and agreed by and between the attorneys of record herein that the issues of fact in the above case be tried and determined by the court without the intervention of a jury.

August 1, 1895.

WM. A. BARBER,
Att'y Gen'l of S. C.
BRYAN & BRYAN,
Pl'ff's Attorneys.

Filed 10th August, 1895.

14 *Finding and Judgment of Court.*

UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit. At Law.

JAMES DONALD
vs.
J. M. SCOTT. } Complaint Filed 11th March, 1895.

This cause having been, by stipulation between the parties dated 1st of August, 1895, and filed 10th of August, 1895, submitted to the court to try and determine the issues of fact herein without the intervention of a jury, and the said cause having been heard by the court, now, upon consideration thereof—

The court finds for the plaintiff the sum of three hundred dollars; and it is now, on motion of Bryan & Bryan, plaintiff's attorneys—

Ordered and adjudged that the plaintiff have judgment against the defendant for the sum of three hundred dollars and costs of this action.

CHARLES H. SIMONTON,
Circuit Judge.

10th August, 1895.

Filed 10th August, 1895.

15 *Bill of Exceptions.*

UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit. At Law.

JAMES DONALD, Plaintiff, Defendant in Error,
vs.
J. M. SCOTT, Defendant.

Be it remembered that on the 10th day of August, 1895, at the regular term of the said court, begun and holden in the said city of Greenville, in and for the district of South Carolina, before Hon. Charles H. Simonton, the issues in the above-stated cause came on to be tried before said judge, presiding in said court, without a jury, plaintiff being represented by Messrs. Bryan & Bryan, his attorneys, and by the Hon. Wm. A. Barber, attorney general of the State of South Carolina, defendant's attorneys.

The evidence of the plaintiff, which is embodied in the following statement, show- the following facts:

James Donald.

(1.) I am a citizen of the United States and of the State of South Carolina; have been many years and am now resident of Charleston, S. C. I am 56 years old, and have been and am now a baker. I have been accustomed to use alcoholic liquors, beers, wines, and ardent spirits in moderation all my life. I have been accustomed to use different brands of liquors at different times.

(2.) On the 5th day of March, 1895, I shipped from Baltimore one-half case of "Pickwick Club" whiskey containing six quart bottles, belonging to myself and addressed to "James Donald, Charleston, S. C." This package came from Baltimore to the city of Charleston by way of the Baltimore Steam Packet Company and the Atlantic Coast line, and while in the North Eastern R. R. depot, in Charleston, S. C., on 8th March, 1895, was seized and carried away
16 by the defendant, claiming to act as State constable & under authority of the "dispensary law" of the State of South Carolina, approved 2nd January, 1895.

(3.) This brand of liquor was produced and made in the State of Maryland and was imported into the State of South Carolina for the use of myself, and was not intended for sale, barter, trade, or exchange by me within the State of South Carolina.

(4.) I was legally advised that the dispensary law of the State of South Carolina authorizing seizure of intoxicating liquors imported for my own use was void, and all such seizure was illegal as being against the Constitution of the United States, and that I had the legal right to buy in other States and foreign countries the wine, beer, ales, and ardent spirits the product of other States and foreign

countries, and to import them into South Carolina for my own use, and to own, possess, use, and consume the same so imported in South Carolina.

(5.) That before the importation of said package and before the seizure I sent a written notice by mail to the defendant informing *them* of my intention, in exercise of my legal right, guaranteed by the Constitution of the United States, to import ales, wines, and other liquors from other States and foreign countries for my own use and consumption as I may need the same, and that any seizure of said goods under any pretence of authority would be a great and grievous trespass and in disregard of my known constitutional rights, for which they and all concerned would be held responsible by all remedies for my protection.

That, notwithstanding this written notice, this defendant took and carried away the said package, as above stated, and *have* repeatedly seized other packages of liquors, even after suit brought in other cases by me against *them* for such seizures.

(6.) I was greatly humiliated and mortified in this invasion and deprivation of my right and felt I was being trampled on and made an example of in order to deter me and other- from exercising our known constitution- rights in this matter.

17 That defendant acted after full notice, as above stated, from myself.

(7.) That value of said package of "Pickwick Club" whiskey was six dollars.

At the trial of said cause the defendant, said J. M. Scott, being the plaintiff in error herein, prayed the said court to hold and find as law as follows, to wit: His honor the presiding judge is requested by the defendant to hold and find as matter of law that the act of the General Assembly of the State of South Carolina approved 2 January, 1895, *pp.* 721, vol. 21, Statutes at Large of South Carolina, generally known as the dispensary law, is not in conflict with article 9 of the Constitution of the United States, and is a lawful exercise of the police power of the State in prohibiting the importation by the plaintiff into the State of South Carolina of all intoxicating liquors, products of other States and foreign countries, for his own use and consumption, and in authorizing a seizure of such intoxicating liquors so imported into the State by plaintiff or any other person.

And thereupon the court refused to hold and find as a matter of law as requested by the defendant. Thereupon the defendant duly excepted.

And thereupon, on the 10th day of August, 1895, the court, without a jury, rendered a judgment for the plaintiff in the sum of three hundred dollars; and thereafter, to wit, on the 10th day of August, 1895, judgment for the plaintiff was duly entered in said cause in the circuit court of the United States for the district of South Carolina for the sum of three hundred dollars and interest and costs.

And inasmuch as the aforesaid matter did not appear by verdict of the jury, the defendant, by his counsel, prays that his bill of exceptions may be allowed, and it is accordingly allowed, signed,

and sealed by the presiding judge this 13th day of December, A. D. 1895.

CHARLES H. SIMONTON,
Circuit Judge.

Filed 13th December, 1895.

18 *Appeal Bond and Approval.*

Know all men by these presents that we, J. M. Scott, as principal, and John Gary Evans and Frank. M. Mixson, as sureties, are held and firmly bound unto James Donald in the full and just sum of two hundred and fifty dollars, to be paid to the said James Donald, his certain attorney, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 13th day of December, in the year of our Lord one thousand eight hundred and ninety-five.

Whereas lately, at a session of the circuit court of the United States for the district of South Carolina, in a suit depending in said court between James Donald *vs.* J. M. Scott, a judgment was rendered against the said J. M. Scott, and the said J. M. Scott, having obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said James Donald, citing and admonishing him to be and appear at a United States Supreme Court, to be holden at Washington, D. C., on the day in the said citation mentioned:

Now, the condition of the above obligation is such that if the said J. M. Scott shall prosecute said writ of error to effect and answer all damages and costs if he fails to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

F. M. MIXSON. [SEAL.]
JOHN GARY EVANS. [SEAL.]

Sealed and delivered in presence of—

C. P. TOWNSEND.

Approved by—

CHARLES H. SIMONTON,
Circuit Judge.

13th December, 1895.

Filed 13th December, 1895.

19 *Writ of Error.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judge of the — court *court* of the United States for the district of South Carolina, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you or some of you, between James Donald, as plaintiff, and J. M. Scott, as defendant, a manifest error hath happened, to the great damage of the said J. M. Scott, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Supreme Court, together with this writ, so that you have the same — Washington, D. C., on the 11th day of January, 1896, next, in the said Supreme Court to be then and there held, that, the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of our Supreme Court, the 13th day of December, in the year of our Lord one thousand eight hundred and ninety-five.

J. E. HAGOOD,
Clerk of the Circuit Court of the United States, Dist. of S. C.

Allowed by—
CHARLES H. SIMONTON,
Circuit Judge.

[Endorsed:] Writ of error. Filed 13 Dec., 1895. J. E. Hagood, C. C. C. U. S., dist. S. C.

20 *Citation.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States to James Donald, Greeting:

You are hereby cited and admonished to be and appear at a United States Supreme Court, to be holden at Washington, on the 11th day of January, 1896, next, pursuant to a writ of error from a judgment of the United States circuit court of the district of South Carolina in your favor passed in a cause in said court wherein you are plaintiff and J. M. Scott is defendant, and you are required to show cause, if any there be, why the judgment rendered against the said J. M. Scott in said cause mentioned should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Charles H. Simonton, circuit judge of the circuit court of the United States, this 13 day of December, in the year of our Lord one thousand eight hundred and ninety-five.

CHARLES H. SIMONTON,
Circuit Judge.

Service acknowledged Dec. 13, 1895.

BRYAN & BRYAN,
Pl'ff's Att'ys.

[Endorsed:] Filed 13 Dec., 1895. J. E. Hagood, C. C. C. U. S., dist. S. C.

21 *Agreement of Counsel as to Record on Appeal.*

UNITED STATES OF AMERICA,
District of South Carolina.

Circuit Court, Fourth Circuit. At Law.

JAMES DONALD, Pl'ff,
vs.
J. M. SCOTT, D'f'd't.

JAMES DONALD, Pl'ff,
vs.
J. M. SCOTT, D'f'd't.

JAMES DONALD, Pl'ff,
vs.
R. M. GARDNER, M. T. HOLLEY, SR., E. C. BEACH, D'f'd'ts.

It is agreed between counsel that the following record in each of the above-stated cases shall constitute the transcript of record in each case (each case to be made up separately) for the Supreme Court:

1. Summons & complaint.
2. Demurrer. Order overruling demurrer.
3. Answer.
4. Stipulation to waive trial by jury.
5. Judgment of court.
6. Bill of exceptions.
7. Bond. Writ of error.

BRYAN & BRYAN,
Pl'ff's Att'y.
WM. A. BARBER,
Att'y Gen'l, for Defendants.

Filed 11 December, 1895.

22 *Clerk's Certificate.*

THE UNITED STATES OF AMERICA, }
District of South Carolina. }

In the Circuit Court, Fourth Circuit. At Law.

I, J. E. Hagood, clerk of the circuit court of the United States for the district of South Carolina, do hereby certify that the foregoing is a true and correct copy of all the records and proceedings as agreed upon by counsel to constitute the record on appeal in the case of James Donald, plaintiff, against J. M. Scott, defendant, rendered as aforesaid, together with all things relating to the same, as appears by the records now on file in my office.

Given under my hand and seal of said court, at clerk's office, in the city of Charleston, S. C., in the district aforesaid, this 18th day of December, A. D. 1895.

[Seal U. S. Circuit Court, District of So. Carolina.]

J. E. HAGOOD,
C. C. C. U. S., Dist. S. C.

Endorsed on cover: Case No. 16,149. S. Carolina C. C. U. S. Term No., 412. J. M. Scott, plaintiff in error, *vs.* James Donald. Filed January 17, 1896.